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4 ARVIND PATEL,  
5 Plaintiff,  
6 v.  
7 AVELINA SAGNEP, et al.,  
8 Defendants.  
9

10 Case No. 15-cv-00067-WHO  
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**ORDER ADOPTING REPORT AND  
RECOMMENDATION, GRANTING IN  
FORMA PAUPERIS APPLICATION,  
AND REMANDING TO STATE COURT**

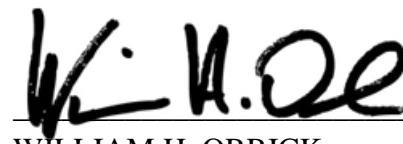
Re: Dkt. No. 4

12 This order concerns Judge Donna M. Ryu's January 14, 2015 report and recommendation  
13 finding that this case was improperly removed from the Superior Court of California for the  
14 County of Alameda because the asserted federal question on which removal was based is an  
15 affirmative defense, not part of plaintiff's well-pleaded complaint. Dkt. No. 4. Judge Ryu  
16 recommends that defendant Avelina Sagnep's application to proceed in forma pauperis be granted  
17 and that the case be remanded to state court. *Id.* No objections to the report and recommendation  
18 have been filed.

19 Having reviewed the matter de novo, I ADOPT Judge Ryu's report and recommendation in  
20 whole. For the reasons expressed therein, Sagnep's application to proceed in forma pauperis is  
21 GRANTED and this case is REMANDED to the Alameda County Superior Court.

22 **IT IS SO ORDERED.**

23 Dated: February 3, 2015

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25 WILLIAM H. ORRICK  
26 United States District Judge  
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